

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

EDDIE J. HAYNES, )  
                       )  
PLAINTIFF,         )  
                       )  
vs.                   )CASE NO. 2:06-cv-1093-WKW  
                       )  
CITY OF MONTGOMERY, ALABAMA,     )  
                       )  
DEFENDANT.          )

**PLAINTIFF'S EXHIBIT LIST, WITNESS LIST,  
AND DEPOSITION DESIGNATIONS**

Comes now the Plaintiff, Eddie J. Haynes, pursuant to the Uniform Scheduling Order and Pretrial Order in this case and the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure and lists the exhibits, witnesses and depositions to be used for the trial of this case, as follows:

**I. EXHIBIT LIST**

**A. Exhibits Plaintiff expects to offer other than solely for impeachment:**

1. City and County of Montgomery, Personnel Department, Personnel Requisition, Certification and Appointment form for Eddie J. Haynes dated April 3, 1990.
2. Montgomery Fire Department Oath of Office by Eddie Haynes dated April 13, 1990.
3. Memorandum to Firefighter E.J. Haynes from Fire Chief R.W. Grier dated September 27, 1990, Re: Permanent Status.
4. Montgomery Fire Department, Annual Merit Appraisal Form, for Eddie J. Haynes dated January 28, 2003.
5. Montgomery Fire Department, Annual Merit Appraisal Form, for Eddie

J. Haynes dated January 14, 2004.

6. Letter from Clemmie Palmer, III, M.D. to Chief C.E. Walker dated January 28, 2003, Re: Eddie Haynes.

7. Employee Commendation Record for Eddie Haynes dated February 10, 2005.

8. Memo to Sgt. Hartwell from Eddie J. Haynes, Re: Character Commits.

9. Memorandum to M.F. Smith, District Chief from Eddie J. Haynes dated March 4, 2005, Re: Engine 14 Driver.

10. To whom it may concern letter from Clemmie Palmer, III dated March 4, 2005, Re: Eddie Haynes.

11. Southeastern Industrial & Family Medicine Associates, Authorization for Use and Disclosure of Protected Health Information signed by Eddie Haynes, dated March 24, 2005.

12. Office note of Dr. Michael C. Turner regarding Eddie Haynes dated March 31, 2005.

13. Health Insurance Claim Form from Dr. Michael Turner regarding March 31, 2005 office visit of Eddie J. Haynes.

14. Non D.O.T. Custody and Control form signed by Eddie J. Haynes dated March 31, 2005.

15. Psychededics Hair Analysis Drug Test Results form for Eddie Haynes, date reported April 3, 2005.

16. Negative Drugscreen form from Dr. Michael Turner to City of Montgomery dated April 5, 2005.

17. Psychededics Hair Analysis Drug Test Results form regarding Eddie J. Haynes, date reported January 25, 2002.

18. Negative Drugscreen report from Dr. Michael Turner for Eddie Haynes dated September 24, 2004.

19. Memo to B.S. Hackett from Eddie Haynes dated September 14, 2004, Re: Knee Injury.

20. City of Montgomery, Physician Authorization and Treatment Report regarding Eddie J. Haynes dated September 14, 2004.

21. To whom it may concern letter from Clemmie Palmer, III dated April 14, 2005 Re: Eddie Haynes.

22. Letter from Gerald L. Miller to Mr. Walter Byars, City Attorney, City of Montgomery dated May 12, 2005, Re: Eddie Haynes.

23. Notice to Eddie J. Haynes from State of Alabama, Department of Industrial Relations, Unemployment Compensation Agency with mail date June 14, 2005.

24. To whom it may concern letter from Thomas G. Wells, M.D. dated June 15, 2005, Re: Eddie Haynes.

25. To whom it may concern letter from Clemmie Palmer, III dated June 16, 2005, Re: Eddie J. Haynes.

26. Alabama Department of Industrial Relations, Unemployment Compensation Division, Doctor's Certificate signed by Dr. Thomas G. Wells, dated June 17, 2005.

27. Alabama Department of Industrial Relations, Unemployment Compensation Division, Doctor's Certificate signed by Dr. Clemmie Palmer, III, dated June 16, 2005.

28. To whom it may concern letter from Dr. Theresa I. Brown dated June 16, 2005 concerning Eddie J. Haynes.

29. Return to Work/School Slip signed by Dr. Michael Turner dated July 27, 2005.

30. Letter from Gerald L. Miller to Mr. Walter Byars, City Attorney, City of Montgomery dated July 27, 2005, Re: Eddie Haynes, with attachments.

31. Letter from Gerald L. Miller to Kimberly O. Fehl, Assistant City Attorney, City of Montgomery dated August 9, 2005, Re: Eddie Haynes, with attachments.

32. Letter from Thelma Goodwin, Employee Benefits Coordinator, City of Montgomery to Eddie J. Haynes dated October 20, 2005.

33. Letter from Gerald L. Miller to Kimberly O. Fehl, Assistant City Attorney, City of Montgomery dated November 16, 2005, Re: Eddie Haynes.

34. Letter from J.W. McKee, Fire Chief, Montgomery Fire and Rescue to E.J. Haynes, dated May 4, 2006.

35. Letter from Gerald L. Miller to J.W. McKee, Fire Chief dated May 12, 2006, Re: Eddie Haynes.

36. Memorandum to Eddie Haynes from Deputy Fire Chief M. Jordan dated May 22, 2006, Re: Fit For Duty Status.

37. Letter from Gerald L. Miller to Kimberly O. Fehl, Assistant City Attorney, City of Montgomery, dated May 22, 2006, Re: Eddie Haynes.

38. Office note from Dr. Michael Turner dated May 25, 2006 regarding Eddie Haynes.

39. Certificate to Return to Work or School from Southeastern Industrial & Family Medicine Associates dated May 25, 2006 Re: Eddie Haynes.

40. Letter from Gerald L. Miller to Kimberly O. Fehl dated May 31, 2006, Re: Eddie Haynes.

41. Letter from M.J. to Eddie J. Haynes dated June 20, 2006.

42. Notice of Termination form signed by J.W. McKee dated June 20, 2006 concerning Eddie J. Haynes.

43. List of Firefighter Duties.

44. City Payroll Department, Form 100, Regarding Eddie J. Haynes with effective date December 17, 2004.

45. City of Montgomery Merit Increase Form prepared December 16, 2004 Re: Eddie J. Haynes.

46. City of Montgomery Merit Increase Form prepared December 29, 2005  
Re: Eddie J. Haynes.

47. City of Montgomery, Public Safety Pay Plan - 112 Hours, effective October 7, 2005.

48. Office records of Dr. Clemmie Palmer, III with invoice dated December 29, 2005 Re: Eddie J. Haynes.

49. Defendant's Amended Response to Plaintiff's First Interrogatories, interrogatory and interrogatory answers numbers 1, 4, and 11 only. (Redacted Copy to be prepared by Plaintiff's counsel).

50. Vitae of Mary House Kessler, Ph.D.

51. Report of Mary House Kessler, Ph.D. dated October 8, 2007 regarding Eddie J. Haynes, without attachments.

52. Plaintiff's Exhibit 1 to Deposition of Michael C. Turner (Complete file of Dr. Turner regarding Eddie J. Haynes).

53. Plaintiff's Exhibit 2 to Deposition of Michael C. Turner (City of Montgomery, Physician Authorization and Treatment Form dated September 14, 2004 regarding Eddie J. Haynes.

54. Plaintiff's Exhibit 3 to Deposition of Michael C. Turner (Office note of Dr. Turner dated September 14, 2004 regarding Eddie J. Haynes).

55. Plaintiff's Exhibit 4 to Deposition of Michael C. Turner (Office note of Dr. Turner for Eddie J. Haynes dated November 9, 2004).

56. Plaintiff's Exhibit 5 to Deposition of Michael C. Turner (Office note of Dr. Turner for Eddie Haynes dated March 24, 2005).

57. Plaintiff's Exhibit 6 to Deposition of Michael C. Turner (Southeastern Industrial & Family Medicine Associates, Authorization for Use and Disclosure of Protected Health Information, signed by Eddie J. Haynes, dated March 24, 2005).

58. Plaintiff's Exhibit 7 to Deposition of Michael C. Turner (Fax coversheet from Clemmie Palmer, III to Southeastern Industrial, Re: Eddie Haynes dated

March 28, 2005).

59. Plaintiff's Exhibit 8 to Deposition of Michael C. Turner (Office note of Dr. Clemmie Palmer, III dated March 28, 2005, regarding Eddie Haynes and March 4, 2005 to whom it may concern letter from Dr. Palmer Re: Eddie Haynes).

60. Plaintiff's Exhibit 9 to Deposition of Michael C. Turner (Office note of Dr. Turner dated March 31, 2005 concerning Eddie J. Haynes).

61. Plaintiff's Exhibit 10 to Deposition of Michael C. Turner (Psychemedics Corporation Hair Analysis Drug Test Results Form for Eddie Haynes with date reported April 3, 2005).

62. Plaintiff's Exhibit 11 to Deposition of Michael C. Turner (Negative drug screen dated April 5, 2005).

63. Plaintiff's Exhibit 12 to Deposition of Michael C. Turner (Negative drug screen dated September 24, 2004).

64. Plaintiff's Exhibit 13 to Deposition of Michael C. Turner (Psychemedics Hair Analysis Drug Test Results Form with date reported January 25, 2002).

65. Plaintiff's Exhibit 14 to Deposition of Michael C. Turner (To whom it may concern letter from Dr. Clemmie Palmer, III dated April 14, 2005).

66. Plaintiff's Exhibit 15 to Deposition of Michael C. Turner (Office note of May 25, 2006 regarding Eddie J. Haynes).

67. Plaintiff's Exhibit 16 to Deposition of Michael C. Turner (Certificate to Return to Work or School dated May 25, 2006).

68. Plaintiff's Exhibit 17 to Deposition of Michael C. Turner (List of Firefighter Duties).

69. Any exhibit listed by Defendant on its exhibit list.

70. Any exhibit necessary for cross-examination or impeachment of any witness.

**B. Exhibits Plaintiff may offer if the need arises:**

1. Memo to D.S. Yelder from R.L. Johnson dated January 28, 2003, Re: Medication taken by E.J. Haynes, F/F.
2. Memo to C.E. Walker from D.S. Yelder dated January 29, 2003, Re: E.J. Haynes.
3. Memorandum to M.H. Stoudemier from B.S. Hackett dated February 24, 2005, Re: Transfer.
4. Memo to File from M. Jordan dated March 15, 2005, Re: E.J. Haynes.
5. Memorandum to Deputy Chief M. Jordan from Assistant Chief C.E. Walker dated March 29, 2005, Re: F/F Eddie J. Haynes.
6. Memorandum to D.S. Yelder from B.S. Hackett dated April 19, 2005, Re: F/F Haynes.
7. Memorandum to C.E. Walker from D.S. Yelder dated April 20, 2005, Re: F/F E.J. Haynes.
8. Memorandum to C.E. Walker from Randy Thomas dated May 9, 2005, Re: Discussion with Firefighter E.J. Haynes on filling out the Family and Medical Leave Act paperwork.
9. Memorandum to Deputy Fire Chief M. Jordan from Assistant Fire Chief C.E. Walker dated May 12, 2005, Re: F/F E.J. Haynes (Prescription Medication Use).
10. To whom it may concern letter from John Carnell, Risk Manager, City of Montgomery dated May 17, 2005.
11. Memorandum to C.E. Walker from J.L. Petrey dated May 22, 2006, Re: Firefighter E. J. Haynes.
12. Memorandum to C.E. Walker from J.L. Petrey dated May 22, 2006, Re: Firefighter E. J. Haynes.
13. Memorandum to M. Jordan from C.E. Walker dated May 22, 2006, Re: F/F E.J. Haynes.

14. Memorandum to Mayor Bobby Bright from Fire Chief J. W. McKee dated June 12, 2005 (SIC), Re: Firefighter Eddie J. Haynes.

15. NFPA 1500 and 1582.

16. Other fit for duty evaluations by Dr. Turner produced by City of Montgomery during discovery in this case.

17. Any exhibit listed by Defendant on its exhibit list.

18. Any exhibit necessary for cross-examination or impeachment of any witness.

## **II. WITNESS LIST**

### **A. Witnesses Plaintiff expects to present at trial other than solely for impeachment:**

1. Eddie Haynes, 4501 Middlefork Road, Montgomery, Alabama 36106-3114
2. Betty J. Haynes, 6000 Oakleigh Drive, Montgomery, Alabama (334)224-4376
3. Jerome Wiley, 254 West Wilding Drive, Montgomery, Alabama 36116 (334)284-8594
4. Ann Cottrell, 1028 Queensbury Drive, Montgomery, Alabama 36116 (334)207-2678
5. Willie D. Lewis, P.O. Box 62, Hayneville, Alabama 36040 (334)263-0496
6. Eddie Dunning, 2071 Rexford Road, Montgomery, Alabama 36116 (334)264-5242
7. Dr. Michael Turner, Southeastern Industrial and Family Medicine 1600 Forest Avenue, Montgomery, Alabama 36106 (by deposition)
8. Dr. Clemmie Palmer, Palmer Psychiatric Services, P.C.

3090 Woodley Road, Suite A, Montgomery, Alabama 36116

9. L.M. Hartwell, 413 Spring Valley Road, Montgomery, Alabama 36116  
(334)280-3014 or (334)558-5803
10. Mary House Kessler, Ph.D. , (205)870-3701  
2610 19th Street South, Homewood, Alabama 35209
11. Ricky Johnson, 2071 Grande Avenue, Montgomery, Alabama 36116  
334-288-7718
12. Kyle Miner, 4225 Green Meadow Drive, Montgomery, AL. 36108  
334-281-9031
13. Tim Heath, City Of Montgomery ( Fire Dept- Training Division )  
1001 N. Court St., Montgomery, Alabama 36104, 334-240-4626
14. Ashley Payton, City Of Montgomery ( Fire Dept- Training Division )  
1001 N. Court St., Montgomery, Alabama 36104, 334-240-4626
15. Joseph Addie, Deputy Chief Fire Department, City of Montgomery  
19 Madison Avenue, Montgomery, Alabama 36104, 334-241-2985
16. Mark Williams, City Of Montgomery ( Fire Dept- Arson Bureau )  
19 Madison Avenue, Montgomery, Alabama 36104, 334-241-2250
17. Darrow Thomas, 6352 Gerrell Court, Montgomery, Alabama 36116  
334-281-0693
18. Barry Nummy, 644 Abrams Rd., Tallassee, Alabama 36078  
334-541-3714
19. Jimmy L. Williams, 158 Martin Patton Avenue  
Montgomery, Alabama 36105, 334-288-9234
20. Mark Hall, 3233 Hillcrest Lane, Montgomery, Alabama 36109  
334-356-2054
21. Anthony D. Tolliver, Care Ambulance Service  
1150 S. Panama St., Montgomery, Alabama 36107, 334-262-2550

22. W.S. Biggs, City of Montgomery Fire Department  
19 Madison Avenue, Montgomery, Alabama 36104, 334-241-2250
23. Any witness listed by Defendant on its witness list.

**B. Witnesses Plaintiff may call if the need arises:**

1. Any witness needed solely for impeachment purposes or for rebuttal.
2. Any witness listed by Defendant on its witness list.

**III. DEPOSITION DESIGNATIONS**

1. Plaintiff intends to use the entire deposition of Michael C. Turner taken September 25, 2007.

/s/ Gerald L. Miller  
GERALD L. MILLER (MIL039)  
Attorney for Plaintiff

**OF COUNSEL:**

REDDEN, MILLS & CLARK, LLP  
505 North 20<sup>th</sup> Street  
940 Financial Center  
Birmingham, Alabama 35203  
(205) 322-0457

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Allison H. Highley  
Kimberly O. Fehl  
Assistant City Attorney  
City of Montgomery  
P.O. Box 1111  
Montgomery, Alabama 36101-1111

/s/ Gerald L. Miller  
OF COUNSEL